

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO. 1351 OF 2005

Office Notes, Office Court's or Judge's orders
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Ms S.A. Mudbidri for the appellant
Mr. H.S. Shreepad Murthy for respondents
2-A to 2F.

CORAM : ANOOP V. MOHTA, J.

DATE : 22.12.2005

. Heard. The suit for specific performance of agreement for sale in question dated 22/5/1977, was filed by the appellant on 29/4/1987. Both the Courts after considering the undisputed position of filing of the present suit beyond the period of limitation of three years, as contemplated under section 54 of the Limitation Act, dismissed the suit. Having once dismissed the suit on the ground of limitation and confirmed by the

Appellate Court on the same foundation, I see there is no reason to interfere with the said findings based on the material and evidence on the record. The reasoning given by the Courts below are within the frame work of law, as well as, the record.

2. However, the learned Counsel appearing for the appellant submitting that they are in possession of the suit premises since 1947. The other side is disputing the same. That controversy at this stage, in view of the dismissal of the suit for specific performance would not be gone through. Parties are at liberty to take appropriate remedies available under the Law.

. Second Appeal is dismissed accordingly.

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(ANOOP V.MOHTA, J.]